

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-243-W/S - ORDER NO. 2005-536
OCTOBER 3, 2005

IN RE: Petition of the Office of Regulatory Staff for) ORDER
Rulemaking Proceeding Governing the) DENYING
Performance Bonds Filed by Water and Sewer) PETITION
Utilities.)

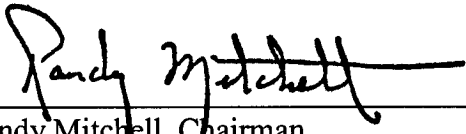
This matter comes before the Public Service Commission of South Carolina (the Commission) on a Petition for Rulemaking filed by the Office of Regulatory Staff (ORS). ORS alleges in its Petition that the present Commission regulations concerning the performance bonds filed by water and wastewater utilities should be amended. In particular, ORS alleges that the financial statements of individuals presently allowed under the regulations as surety for such performance bonds may not, and do not, provide sufficient surety for these required bonds.

In examining this Petition, we would note that S.C. Code Ann. Section 1-23-126 (Revised 2005) requires that an agency must deny a petition for amendment or repeal of a regulation within thirty (30) days of the submission of such a petition, or it must initiate the action in such petition. Whereas this Commission believes that the regulations governing performance bonds filed by water and sewer utilities are regulations that could be considered for amendment, this Commission does not have enough information to amend those regulations or to put into effect the changes recommended by ORS. Accordingly, in order to comply with the statute, we deny the Petition at this time

because of a lack of information, but we hold that a public hearing shall be held on this question as soon as possible, so that we may gather further information with the intent to consider proposed changes to the water-sewer performance bond regulations.

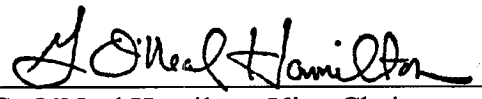
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice-Chairman

(SEAL)